

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  TERRELL E. JONES,

12                  Plaintiff,

13                  v.

14                  A. MASTANDREA,

15                  Defendant.

CASE NO. 3:19-cv-06241-BHS-JRC

ORDER GRANTING MOTION TO  
STAY DISCOVERY

16                  This matter is before the Court on defendant's motion to stay discovery until the  
17 resolution of his motion to dismiss. *See* Dkt. 19.

18                  Currently pending in this Court is also defendant's motion to dismiss, which seeks  
19 dismissal with prejudice of all plaintiff's claims. *See* Dkt. 17. Defendant asserts, among other  
20 things, that qualified immunity bars plaintiff's claims. Dkt. 17, at 6.

21                  Plaintiff, who is *pro se*, has filed a motion for summary judgment in response to the  
22 motion to dismiss. *See* Dkt. 21. Briefing on both the summary judgment motion and the motion  
23 to dismiss is complete. Plaintiff has not filed any response to the motion to stay. Plaintiff's

1 failure to respond to the request to stay discovery may be deemed an admission that the motion  
2 has merit. Local Civil Rule 7(b)(2).

3 Regarding the merits of the motion to stay, this court has broad discretionary powers to  
4 control discovery. *Little v. City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). Further, a district  
5 court should stay discovery until the threshold question of qualified immunity is settled. *See*,  
6 *e.g.*, *Crawford-El v. Britton*, 523 U.S. 574, 598 (1998). This is because “[q]ualified immunity is  
7 ‘an entitlement not to stand trial or face the other burdens of litigation.’” *Saucier v. Katz*, 533  
8 U.S. 194, 200 (2001) (quoting *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)), *overruled on other*  
9 *grounds by Pearson v. Callahan*, 555 U.S. 223 (2009)).

10 Based on this authority, the Court finds that it is appropriate to grant the motion to stay.  
11 The Court notes that although plaintiff has begun propounding discovery in this matter, the Court  
12 has yet to issue its initial scheduling order and this matter remains in its early stages. Further,  
13 because briefing on the summary judgment motion is complete, staying discovery will not  
14 hamper plaintiff’s ability to litigate his summary judgment motion.

15 The motion to stay discovery is GRANTED. *See* Dkt. 19. The stay of discovery shall  
16 end when the District Court has decided the pending motion to dismiss. Dkt. 17.

17 Dated this 25th day of September, 2020.

18  
19  
20   
21 J. Richard Creatura  
22 United States Magistrate Judge  
23  
24